

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHAWN R. VAN HECK,

Plaintiff,

Case No. 15-14404

Hon. Matthew F. Leitman

v.

VILLAGE OF ROMEO *et al.*,

Defendants.

**ORDER (1) ADOPTING RECOMMENDED DISPOSITION OF REPORT
AND RECOMMENDATION (ECF #25) AND (2) GRANTING
DEFENDANTS' MOTION TO DISMISS (ECF #19)**

In this action, Plaintiff Shawn R. Van Heck (“Van Heck”) alleges that in September 2015, Defendants Village of Romeo, the Romeo Police Department, and a Romeo police officer (collectively, “Defendants”) violated his constitutional rights when he was arrested and prosecuted for driving with a suspended driver’s license. (*See* Compl., ECF #1.) On April 21, 2016, the Defendants moved to dismiss Van Heck’s Complaint, or, in the alternative, for summary judgment (the “Motions to Dismiss”). (*See* ECF #19.)

On December 13, 2016, the assigned Magistrate Judge issued a Report and Recommendation in which she recommended that the Court grant the Motion to Dismiss and dismiss Van Heck’s Complaint (the “R&R”). (*See* ECF #25.) At the conclusion of the R&R, the Magistrate Judge informed Van Heck that if he wanted

to seek review of her recommendation, he needed to file specific objections with the Court within fourteen days. (*See id.* at 7-8, Pg. ID 191-92.)

Van Heck has not filed an objection to the R&R. As the Magistrate Judge specifically warned him in the R&R (*see id.*), his failure to file an objection waives any further right to appeal. *See Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Moreover, the failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, because Van Heck has not filed an objection to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge's recommended disposition is **ADOPTED**.

IT IS FURTHER ORDERED that the Motion to Dismiss (ECF #25) is **GRANTED** and the Complaint (ECF #1) is **DISMISSED**.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: January 6, 2017

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 6, 2017, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

(313) 234-5113